

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSHUA TRYSON, :  
: :  
Plaintiff :  
v. : No. -02-CV-4811  
:  
ALLSTATE INSURANCE CO., :  
: :  
Defendant :  
:

**PLAINTIFF JOSHUA TRYSON'S MOTION TO COMPEL DISCOVERY**

**PURSUANT TO RULE 37(A)**

Plaintiff, Joshua Tryson (Tryson), hereby moves this Court for an order pursuant to Fed.R.Civ.P.37(a), compelling Defendant, Allstate Insurance Company (Allstate) to produce the following documents pursuant to Rule 33 and Rule 34 of the Federal Rules of Civil Procedure:

1. Defendant's response to Tryson's First Set of Requests for Admissions and
2. Defendant's response to Allstate's First Request for Production of Documents Directed to Defendant Allstate.

On April 15, 2003, Tryson served Counsel for Allstate with discovery requests in the form of Requests for Admissions and Requests for Production of Documents (true and correct copies of which are attached hereto as Exhibit A and Exhibit B). Allstate's response to Tryson's discovery request were due on May 16, 2003. See Fed.R.Civ.P.33(b); 34(b). To date, Allstate has refused to provide answers or documents stating that the discovery

requests were not made in a timely fashion. See Defendant's Response attached as Exhibit C. The Corrected Amended Scheduling Order, attached as Exhibit D, states that the discovery shall be completed by April 28, 2003. Plaintiff's requests for discovery were made on April 15, 2003, within the discovery deadline. In addition, Plaintiff's Counsel has recently entered his appearance and responded to Defendant's discovery request.

**CONCLUSION**

WHEREFORE, Plaintiff Tryson respectfully requests that its Motion to Compel Pursuant to Rule 37(a) be granted and that Defendant be ordered to produce or otherwise respond to outstanding discovery.

Respectfully submitted,

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Michael P. Rowan  
121 West Miner Street  
West Chester, PA 19382  
610-431-2228  
Attorney for Plaintiff  
Joshua Tryson

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: Defendant :

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2003, upon consideration of Plaintiff Joshua Tryson's Motion to Compel Discovery Pursuant to Rule 37(a), it is hereby ORDERED that the Motion is GRANTED.

Defendant Allstate Insurance Company is hereby ordered to comply with Plaintiff Joshua Tryson's request to produce the following documents in accordance with Rule 33 and Rule 34 of the Federal Rules of Civil Procedure:

1. Defendant's response to Tryson's First Set of Requests for Admissions
2. Defendant's response to Tryson's First Request for Production of Documents

Directed to Defendant Allstate

BY THE COURT:

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Herbert J. Hutton, U.S.D.J

**CERTIFICATE OF SERVICE**

I, Michael P. Rowan, do hereby certify that on this date I have caused a true and correct copy of the foregoing to be served by First Class Mail upon the following:

Law Offices of Dechert LLP  
Tracey R. Gainor, Esquire  
400 Bell Atlantic Tower  
1717 Arch Street  
Philadelphia, PA 19103-2793

The Honorable Herbert J. Hutton  
United States District Court for the  
Eastern District of Pennsylvania  
United States Courthouse, Room 9614  
601 Market Street  
Philadelphia, PA 19106

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Date

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Michael P. Rowan

**CERTIFICATION OF COUNSEL**

I, Michael P. Rowan, hereby certify that after reasonable effort, which included written correspondence with Defendant, the parties were unable to resolve the dispute that is the subject of this motion.

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Date

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Michael P. Rowan